



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Confirming the 2001/2002 Annual Report and Levy Assessment for the Downtown Lodi Business Improvement Area No. 1

MEETING DATE: December 19, 2001

SUBMITTED BY: Economic Development Coordinator


RECOMMENDED ACTION: That the City Council at the close of the hearing, there being no majority protest, either written or oral presented to the Council, adopt the Resolution confirming the Business Improvement Area 2001/2002 Annual Report thereby levying the assessment proposed.

BACKGROUND INFORMATION: At the Council meeting of November 15, 2001, the Business Improvement Area 2001/2002 Annual Report was presented to the Council. The Council accepted the report and established December 19, 2001 as the time and date for the public hearing to be held on the proposed levy for the Business Improvement Area purposes.

The public hearing is called for and set pursuant to Section 36535 of the California Streets and Highways Code. At the hearing, the public has an opportunity to present written or oral protests to the proposed assessment. In order for such a protest to be successful, the protest must comply with the provisions of Sections 36524 and 36535 of the California Streets and Highways Code. For an Assessment protest to be successful protests must be received from the owners of businesses in the improvement area, and must represent fifty percent (50%) or more of those member businesses paying the assessments proposed to be levied. If such a level of protest is not reached, a Resolution should be adopted by the Council confirming the report as originally filed, or as changed by it. The adoption of such a resolution constitutes the levy of the assessment for the BIA for calendar year 2002.

Moreover, at the Council meeting of November 15, 2001 it was pointed out that the Council Communication dealing with the establishment of this hearing indicated that adjusting the boundaries of the area could be considered. The content of that report reflected language contained in Section 36535 of the Streets and Highways Code. Of particular note is language in the code indicating that such changes could be considered, if they were contained in the Annual Report submitted to the Council. Additionally, Section 36534 of the Code addresses this issue. This section deals with the Resolution of Intention, which was adopted by the Council setting the public hearing. That section states that the resolution shall do all of the following: "Declare the intention of the City Council to change the boundaries of the parking and business improvement area, or in any benefit zone within the area, if the report filed pursuant to Section 36533 proposes a change." The report filed did not propose a change. Therefore, the Resolution of Intention did not declare any intent to address a boundary change.

APPROVED: _____


H. Dixon Flynn -- City Manager



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At this point, the issue of a boundary change is not before the Council. It is recommended that the Council provide direction to the DLBP that the boundaries of the existing benefit area be studied with the results of that study included in next year's Annual Report.

Copies of the Annual Report are available at the offices of the Downtown Lodi Business Partnership ("DLBP") and City of Lodi Economic Development Department.

FUNDING: None required

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony C. Goehring", with a stylized flourish at the end.

Tony C. Goehring
Economic Development Coordinator

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. 2001-297

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI CONFIRMING THE 2001/2002 ANNUAL REPORT FOR
THE DOWNTOWN LODI BUSINESS IMPROVEMENT AREA
NO. 1 AND LEVY OF ASSESSMENT

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WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997 by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36533 has been submitted to the City Council by the Board of Directors of said Improvement Area; and

WHEREAS, a public hearing was held as required by Streets and Highways Code §36524 on December 19, 2001 in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California at 7:00 p.m. or as soon thereafter as possible to consider protests to the assessment levy.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

- 1) The required public hearing was duly held, at which time the public was allowed to present written or oral protests to the levy of assessment for Downtown Lodi Business Improvement Area No. 1.
- 2) A majority protest as defined in the Streets & Highways Code §36525 was not made.
- 3) The 2001 Annual Report as submitted on November 15, 2001 by the Board of Directors of the Improvement Area to the City Council is hereby confirmed as originally filed.
- 4) The confirmation of the report and adoption of this Resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2002.

Dated: December 19, 2001

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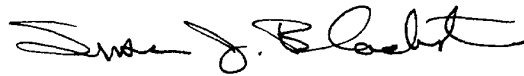
I hereby certify that Resolution No. 2001-297 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 19, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi,
and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

SUSAN J. BLACKSTON
City Clerk

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Joaquin.

I, a citizen of the United States and a resident of the County aforesaid, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953, Case Number 5990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and extra issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

December 1

In the year 2001

I certify and declare under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 1 day of

December

2001

Kelsey Davis
Signature

PROOF OF PUBLICATION

This space is for the County Clerk's Filing Stamp

RECEIVED

DEC - 6 2001

City Clerk
City of Lodi

Proof of Publication

Notice of Publi

No. 2001-270

NOTICE OF PUBLIC HEARING
RESOLUTION NO. 2001-270
A RESOLUTION OF INTENTION TO
LEVY ANNUAL ASSESSMENT FOR
DOWNTOWN LODI BUSINESS
IMPROVEMENT AREA NO. 1, ESTABLISHING
PUBLIC HEARING DATE, AND RECEIVING
ANNUAL REPORT

WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997 by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report as required by Streets & Highways Code, §36533 has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. Receive the Annual Report as submitted, said Report being on file with the City Clerk.

2. Establishes December 19, 2001 in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California at 7:00 p.m., or soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highway Code §36534.

3. It is the intention of the City Council to levy and collect assessments within the parking and business improvement area for calendar year 2002 (the Area's fiscal year).

4. The boundaries of the entire area to be included in the Area, and the boundaries of each separate benefit zone within the area, are set forth in the Map, Exhibit A, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.

5. The types of improvements and activities proposed to be funded by the levy of assessments on business in the Area are in Exhibit B hereto and incorporated by reference.

6. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets & Highways Code §§36524 and 36525.

Dated: November 21, 2001

EXHIBITS A & B AND FURTHER INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE CITY MANAGER/ECONOMIC DEVELOPMENT, 221 W. PINE ST., LODI.

Anyone wishing to be heard on the Issue may appear before the City Council at the time of the public hearing. Written statements may be filed with the City Clerk, 221 W. Pine St., 2nd floor, Lodi, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Dec. 1, 2001

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CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

December 20, 2001


Mr. Lew Van Buskirk
Executive Director
Downtown Lodi Business Partnership
P.O. Box 1565
Lodi, CA 95241

**RE: RESOLUTION CONFIRMING THE 2001/2002 ANNUAL REPORT FOR
THE DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1 AND
LEVY OF ASSESSMENT**

Enclosed is a certified copy of the Resolution confirming the 2001/2002 Annual Report for the Downtown Lodi Business Improvement Area No. 1 and levy of assessment, which was approved by the Lodi City Council on December 19, 2001.

Should you have any questions, please feel free to contact our office or Tony Goehring, Economic Development Coordinator, at 333-6700.

Sincerely,


Susan J. Blackston
City Clerk

JMP

Enclosure

cc: Economic Development Coordinator